



United States Environmental Protection Agency Washington, DC 20460 <b>CERCLA Enforcement Case Data</b>		Case No. (Assigned by Docket Control) <b>02-89-0407</b>	Date Entered <b>10/4/89</b>	Analyst's Initials <b>PB</b>
Case Name (Lead or principal defendant, not site or facility name) <b>EDWARD LECARREUX</b>				
State <b>NEW JERSEY</b>	Region <b>II</b>	Branch <b>NEW JERSEY SUPERFUND</b>	Section	
Type Case <input checked="" type="checkbox"/> <b>CIV = Civil</b> Referral with consent decree (Civil only) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is the Site on the National Priority List? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Is this an action to enforce an Administrative Order? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<input type="checkbox"/> <b>BNK = Bankruptcy</b> <input type="checkbox"/> <b>PRN = Pre-Referral Negotiations</b>				
Law (Please use the section of the law violated, not the section that authorizes the action. Do not use USC or CFR designations.)				
<b>1. CERCLA</b>		<b>Other</b>		
<input type="checkbox"/> 103(a) <input type="checkbox"/> 103(d)(2) <input type="checkbox"/> 104(e): Information <input type="checkbox"/> 104(e): Access/Inspection <input checked="" type="checkbox"/> 106(a) <input checked="" type="checkbox"/> 106(b)	<input checked="" type="checkbox"/> 107(a) <input type="checkbox"/> 107(c)(3) <input type="checkbox"/> 108 <input type="checkbox"/> 109 <input type="checkbox"/> 122(e)(3)(B) <input type="checkbox"/> 122(h)(3) <input type="checkbox"/> 122(i)	<b>Statute</b>	<b>Section</b>	
		2.		
		3.		
		4.		
		5.		
Regional Program Contact (Last name) <b>FELDSTEIN</b>		(1st init.) <b>J.</b>	Telephone Number <b>FTS 264-0613</b>	
Regional Attorney (Last name) <b>SIEGEL</b>		(1st init.) <b>J.</b>	Telephone Number <b>FTS 264-0467-4760</b>	
Lead Attorney (Last name)		(1st init.)	Telephone Number <b>FTS</b>	
A. PRPs (All must be listed; attach list if necessary)			B. Named in Complaint?	
1. <b>EDWARD LECARREUX</b>			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
2. <b>LIGHTMAN DRUM COMPANY</b>			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
3. <b>WHITE GENERAL MOTORS CORP.</b>			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
4. <b>NEW JERSEY AMERICAN WAREHOUSE</b>			<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
5. <b>CONTINENTAL CAN CO.</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
6. <b>DEL VAL INK &amp; COLOR</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
7. <b>EMERSON QUIET COOL</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
8. <b>ENGELHARD MINERALS</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
9. <b>FERDON EQUIPMENT CORP.</b>			<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Relief Sought in Referral (Check as many boxes as apply)				
<input type="checkbox"/> IRMV (Injunctive Removal)	<input checked="" type="checkbox"/> CRMV (Cost Recovery Removal)	Amount \$ <b>216,173.84</b>		
<input type="checkbox"/> IRFS (Injunctive RI/FS)	<input type="checkbox"/> CRFS (Cost Recovery RI/FS)	Amount \$ _____		
<input type="checkbox"/> IRD (Injunctive Remedial Design)	<input type="checkbox"/> CRD (Cost Recovery Remedial Design)	Amount \$ _____		
<input type="checkbox"/> IRA (Injunctive Remedial Action)	<input type="checkbox"/> CRA (Cost Recovery Remedial Action)	Amount \$ _____		
<input type="checkbox"/> PEN (Penalty)	<input type="checkbox"/> COTH (Other Cost Recovery, e.g., bankruptcy for future costs)	Amount \$ _____		
Date Opened	Date Initiated <b>9/29/89</b>	Referral Indicator <input type="checkbox"/> RH: Rg to HQ <input checked="" type="checkbox"/> RD: Rg to DOJ (direct referral)		
Direct Referral Lead (if known) <input type="checkbox"/> DOJ <input type="checkbox"/> USA	Date Violation Detected	Date First Demand Letter Sent <b>August 3, 1989</b>		

continued WILL NOT BE NAMED IN COMPLAINT.

10. G & W LABORATORIES
11. GULF OIL CORPORATION
12. INLAND STEEL CONTAINER
13. MAAS & WALDSTEIN CO.
14. MORAN TOWING & TRANSPORTATION CO.
15. PENNSBURY COATINGS CO.
16. PERTH AMBOY DRY DOCK CO.
17. PUBLIC SERVICE ELECTRIC & GAS CO.
18. REX PACKAGING CO.
19. SEVERNA CORP.
20. TECHNICON CORP.
21. TRANSCO PRODUCTS
22. WESTERN ELECTRIC
23. GENERAL DYNAMICS CORP.
24. NATIONAL STARCH AND CHEMICAL CORP.
25. U.S. GYPSUM CO.
26. AMERICAN CAN, INC.
27. B & E ELECTROFORM CO.
28. BELL LABORATORIES
29. BIRD & SON, INC.
30. CHEVRON USA, INC.
31. CONSOLIDATED RAIL CORP.
32. COSDEN OIL AND CHEMICAL CO., INC.
33. DIAMON SHAMROCK CORP.
34. DUANE MARINE SALVAGE CORP.
35. EASTERN STERLING PLASTICS
36. FORD MOTOR COMPANY
37. GENERAL ELECTRIC CO.
38. GENERAL MOTORS CORP.
39. GUSMAR CORP.
40. HOKE, INC.
41. HYATT ROLLER BEARING
42. INMONT CORPORATION
43. ITT MARLOWE PUMP
44. LOCKHEED ELECTRONICS CORP.
45. TOWNSHIP OF MAHWAH
46. METZ METALLURGICAL CORP.
47. MIDLAND GLASS CO., INC.
48. NASSAU RECYCLE CORP.
49. NL INDUSTRIES, INC.
50. ORBIT TOOL AND DIE CORP.
51. PAINTMASTER
52. PORT AUTHORITY TRANS-HUDSON CORP.
53. REVLON, INC.
54. RUSTY SCUPPER RESTAURANT
55. SEALAND MARINE TERMINALS
56. TEMPCON
57. TENNECO CHEMICALS, INC.
58. TWO GUYS DEPARTMENT STORES
59. WEST ESSEX PRINTING PLATES, INC.

SEP 29 1989

Honorable Richard B. Stewart  
Assistant Attorney General  
Land and Natural Resources Division  
U.S. Department of Justice  
Washington, D.C. 20530

Re: Civil Litigation Referral Regarding the Duane Marine Salvage  
Corporation Site, Perth Amboy, New Jersey  
Cost Recovery Action-Section 107(a) of CERCLA  
Non-Compliance Penalty Action Section 106(b)(1) of CERCLA

Dear Mr. Stewart:

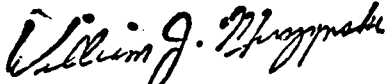
I am referring this action for both cost recovery and penalties to your office for litigation pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended ("CERCLA"), 42 U.S.C. §§9606 and 9607.

Enclosed is a Civil Action Referral Package (the "Referral") recommending the initiation of a civil action, pursuant to Sections 106 and 107 of CERCLA. This action seeks to recover costs incurred by the U.S. Environmental Protection Agency ("EPA") in taking response actions at the Duane Marine Site ("Site") in Perth Amboy, New Jersey and to obtain a judgment as to liability for penalties against recalcitrant potentially responsible parties who failed to comply with EPA Orders to perform a response action at the Site. The proposed defendants include the site owner, a transporter and generators.

The Referral contains detailed information regarding the releases and threatened releases of hazardous substances at the Site,

response actions undertaken, expenses incurred by EPA, the connection of each proposed defendant with the Site and the failure of the proposed defendants to comply with EPA orders. If you have any questions regarding this matter, please contact Joseph Siegel of our Office of Regional Counsel at FTS: 264-4760.

Sincerely,



William J. Muszynski, P.E.  
Acting Regional Administrator

Enclosure

cc: Glenn Unterberger (LE-134S)  
Associate Enforcement Counsel for Waste

Bruce M. Diamond, Director  
Office of Waste Programs Enforcement

David T. Buente, Esq.  
Chief, Environmental Enforcement Section  
Land and Natural Resources Division

Edward E. Reich  
Acting Assistant Administrator for  
Enforcement and Compliance Monitoring

Jonathan Z. Cannon  
Acting Assistant Administrator for  
Solid Waste and Emergency Response

FACILITY DATA FORM

\* Please use the address of the site of violation (rather than the company mailing address or defendant's address).

\* A separate form must be completed for each facility cited in the case.

CASE NO.: _____ - _____ -E_____	EPA ID NO. _____
(Assigned by DOCKET)	(Assigned by FINDS)

Facility Name: DUANE MARINE SALVAGE ~~SUPERFUND~~ SITE SCRP

Street Address: 26 WASHINGTON

City: PERTH AMBOY State: NJ Zip Code: 08861

Ownership: P

P: Private industry or individual  
F: Federal Government  
S: State  
C: County  
M: Municipal  
D: District

Sic Code(s): \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

\*\* At least one sic code is required. If you don't know the code, please provide the primary activity at the facility:

REMOVAL ACTIONS

# FINDS ID NUMBER ASSIGNMENT FORM\*

REQUESTOR'S NAME Patricia B.

DATE 10/4/89

SYSTEM DOCKET

PHONE NUMBER 2462

\*\*\*\*\*

EPA ID NUMBER  
NJDD054526553

OWNERSHIP CODE  
P

SOURCE ID NUMBER  
02-89-0407

SIC CODES 3359

\*\*\*\*\*

NAME OF FACILITY DUANE MARINE CORP

STREET 26 WASHINGTON ST

CITY PERTH AMBOY STATE NJ ZIP 08861

COUNTY \_\_\_\_\_ COUNTY CODE \_\_\_\_\_

LATITUDE \_\_\_\_\_ LONGITUDE \_\_\_\_\_

\*\*\*\*\*

IS THIS A FEDERAL FACILITY? NO ☒ YES ☐

AGENCY NAME \_\_\_\_\_

\*\*\*\*\*

Date Completed 10/5/89 Signature Ophelia Brown

\*Please complete with as much information as possible.

## REFERRAL DATA SHEET

### 1. Statutes

Sections 106 and 107 of CERCLA, 42 U.S.C. §§9607 and 9606 (cost recovery).

### 2. Defendants

The owner and operator, Edward Lecarreux, two generators, White-General Motors Corporation and New Jersey American Warehouse, and one transporter, Lightman Drum Company.

### 3. Facts

This is an action which seeks recovery of past costs relating to response actions at the Duane Marine Salvage Corporation site located in Perth Amboy, New Jersey. The response actions which have been funded by EPA at the Site are two Removal Actions. Costs related to these removal actions include oversight of the PRP removal action, costs of sampling, inspections, report preparation and enforcement. In addition to recovery of these costs, we seek penalties against recipients of the Administrative Orders which did not comply with the Orders by failing to participate in the Removal Action.

### 4. Proposed Relief

EPA seeks: (a) recovery of all costs which have been incurred by EPA in connection with the Site, and (b) penalties against defendants for failure to comply with Orders from EPA in connection with the Site.

### 5. Recent Contacts with Defendants

Most defendants were noticed at least on one occasion between 1984 and 1985. Demand letters were sent to three of the four proposed defendants in August and September 1989. One proposed defendant indicated that it would not reimburse the government and two proposed defendants did not respond to EPA's demand letter.

### 6. Significant National or Precedential Issues

None identified.

### 7. Date of Occurrence Which Led To Decision to Initiate Cost Recovery Proceedings:

Both Removal Actions were completed by May 1987.

8. Statute of Limitation

The Removal Actions were both completed by May 20, 1987 and therefore the statute of limitations expires on May 20, 1990.

9. Identity of Lead Regional Legal and Technical Personnel

Joseph Siegel, Attorney  
Office of Regional Counsel  
N.J. Superfund Branch  
FTS-264-4760

Janet Feldstein, Project Manager  
New Jersey Compliance Branch  
Emergency and Remedial Response Division  
FTS-264-0613